Committee appointed for the purpose. The provisions regarding marriage and its ion are taken from the Nair Regulation. As to the nature or character of the property ıands of the widow or widows and children of a Nanjanad Vellala, the report is silent; ılieve that there can be no objection in adopting the provisions of the Nair Regulation on ject. The rights of a Nanjanad Marumakkathayam woman marrying a Makkathayam and those of her children are regulated by the ordinary Hindu Law (9 T. L. R. Page 21). ve therefore been exempted from the operation of the Regulation. No provision has ıde about the marriage of a Marumakkathayam Vellala male with a Makkathayam Vellala as the report is silent on the point, and as there are no direct authorities on the question ıether such marriages do take place at all.

beg to move that the principle of the Bill be affirmed."

nded by Mr. Vieyra.

Kumara Pillai observed that the Committee appointed to enquire into and re- of the Vellalas had found that the community did not stand in need of a in the matter of social legislation, that the enquiry held by the Committee nsidered to be complete and the questions referred to them, exhaustive, and that rrived at by the Committee should not therefore be taken as final. He said that ill was defective in so far as it did not meet the actual demands of the community. nad Vellalas were Marumakkathayees closely resembling the Nairs in several id, as such, they ought naturally to look up to the Nair Regulation for guidance. From ndpoint, the Bill should be considered defective in several respects. As an instance, nber pointed out the absence, in the Bill, of a provision similar to Section 12 of the Nair gulation, by which the wife and children of a deceased male could inherit the whole of his property in the absence of any undivided Marumakkathayam heirs. The only question referred to the Committee on the subject was about the levy of adiyara fee on succession, the abolition of which, though strongly recommended by the Committee, was not included in the proposed Bill by the Mover. Mr. Kumara Pillai further pointed out that Section 6 of the Wills Regulation, VI of 1074, was repealed by the Nair Regulation in so far as it related to the Nair community, thereby giving full testamentary powers to the members of that community over their separate and self-acquired property, while no similar concession was allowed by the present Bill to the Nanjanad Marumakkathayam Vellalas. Another point suggested by the Member was with reference to Section 15 of the proposed Bill. He said that the provisions of that Section, fixing the share of a Nanjanad Marumakkathayam Vellala in his Tharavad properties, at what it would be if they had been divided, among all the *adult* male members of the Tharavad, were contrary to the custom of the community and the case law on the subject. Mr. Kumara Pillai affirmed that there was no dispute at all with regard to the share referred to in the Section, for the computation of which *all* the male members of a Tharavad were uniformly taken into account, but that the dispute had all along been as to what portion of that share had to be taken into account for the calculation of the *Nankudama* and *Ukanthudama* rights. He therefore said that Section 15 of the Bill, which excluded all but the *adult* male members in the calculation of the share of a Nanjanad Vellala male member of a family, would not be acceptable to the community. Mr. Kumara Pillai concluded by requesting that the above suggestions might be considered by the Council in connection with the proposed Bill.

Mr. Parameswaran Pillai seconded Mr. Kumara Pillai.

Mr. Subba Aiyar replied that the Wills Regulation as a whole was to be amended very shortly, and suggested that the Member's observations on that point might be considered in that connection. He also pointed out that the question of the levy of adiyara fees and matters connected with adoption were purely Government measures which could not come within the scope of any legislative enactment.

The President said that the observations made by Mr. Kumara Pillai might be considered at the time of the discussion of the Bill in the Council, and suggested that the principle of the Bill might be affirmed.

The Council adopted the President's suggestion.

Mr. Subba Aiyar then moved that the Bill be referred to a Select Committee consisting of the Mover and Messrs. Vieyra, Kuriyan, Parameswara Menon and Kumara Pillai, to report within six months.

Seconded by Mr. Vieyra.

Carried.

THE LAND CONSERVANCY REGULATION AMENDMENT BILL.

Mr. Subba Aiyar, in introducing the Land Conservancy Regulation Amendment Bill, spoke as follows :—

R,

I beg to introduce a Bill to amend the Land Conservancy Regulation. Considerable diffi- having been experienced in the practical working of the Regulation, the opinions of all

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fficers having anything to do with the working of the Land Conservancy Regulation were d, and their suggestions have as far as possible been adopted. Though the Statement of and Reasons and the notes on the various Clauses explain the nature and scope of the ients proposed in the Bill, I shall make a few observations on some of the important onnected with the Bill.

is at the outset necessary to have a clear idea of what Government lands are. "Govern-nds" have been defined to mean and include "lands at the disposal of Government". xpression has not been defined in the Regulation itself; but its meaning is intended to onveyed by the latter half of the definition, *viz.*, that they are lands "which are not register-in the name of a private individual". A private individual does not include a corporation a company, public or private, incorporated or unincorporated. Registered companies with imited or unlimited liabilities and the Town Improvement Committees are instances of bodies capable of holding properties. The definition as it stands is not therefore exhaustive. The xpression "lands at the disposal of the Government" has been more clearly defined in the orest Regulation. Under that Regulation, they do not include lands which are "the property of land-holders such as Jenmies, Devaswoms, or holders of Inam lands and also all holdings of land in any way subject to the payment of land revenue direct to Government" and "all other registered holdings of land in proprietary right". Even this definition does not appear to be very satisfactory. As ordinarily understood, Devaswoms are Jenmies, and there is no reason hy Devaswoms should be separately mentioned. Further, it is found that all Edavagais are not jenmom lands as ordinarily understood and they differ from jenmom lands with respect to their origin and incidence (Vide Mr. Mahadeva Aiyar's Revenue Manual, Vol. I, Introduction, page xxviii). Again, in the words of the late Mr. Shungrasubba Aiyar, the system of land tenure in Travancore "is based on the Ryotwari principle, *viz.*, the principle of direct settlement with individual ryots". All taxes are paid direct to Government and not through intermediate land-holders such as Zamindars in British India. There is therefore no force in the expression "pay-ng land revenue *direct* to Government". There may no doubt be an assignment of revenue by the Government, *e. g.*, Thiruppuvaram payable to others. It cannot be suggested that the definition is intended to cover such cases, for the lands whose revenue is assigned are *subject* to the pay-ment of revenue to Government, and further, such lands should not be omitted from the negative portion of the definition as the Government have no right over such lands. Lastly, the definition in the Forest Regulation does not reserve all rights of way and other public rights, and natural and other easement rights of other land-owners over Government lands.

For the reasons stated above, it has been found necessary to have a more satisfactory definition of "Government lands". The expression "property of Government" was first defined in the Bombay Act, V of 1879, and has been subsequently adopted in the Madras Land Encroach-ment Act, III of 1905. The same has been approved by Our High Court in 20 T. L. R., page 24 at 27. Though the various properties belonging to Government are enumerated in the British Indian Act, the term "Poramboke" has not been defined in the same. A distinction between Government lands which are Poramboke and those which are not Poramboke has all along been maintained in Travancore and it has been kept up in the last Settlement. The various pro-perties mentioned in the British Indian Acts are more or less Porambokes. It has therefore een thought desirable to give a general definition of Government lands, following that of Government property" in the Bombay and Madras Acts, and to enumerate the Porambokes. he definition of "Government lands" is, I believe, a satisfactory one. If there are still any defects in the definition, they may be cured during the further stages of the Bill.

Again, doubts have arisen as to whether the definition includes what are called Niruthal lands and lands held by right of escheat, purchase, resumption or acquisition. An explanation has therefore been added to sub-section (1) of Section 3. It is always an important duty of Government to preserve from encroachment the communal lands used or reserved for the purposes or convenience of the villagers. It was with that view that the provisions of the Land Conservancy Regulation were made applicable by Section 15 A of the Regulation to such lands even in private estates. But the limitation to the Section, *viz.*, that Government could interfere under the Regulation only if such lands are maintained by the Government, renders the provision inoperative and thus the very object of the Section is defeated. There may be many properties in private estates and Edavagais used or reserved for public purposes and yet not maintained by Government. Burning and burial grounds, threshing floors, bathing ghauts, and lanes may not be maintained by Government, and it cannot be denied that it is at the same time absolutely necessary to prevent encroachment on such lands. There may be unscrupulous members of a community who, in utter disregard of the rights of the community and with a view to attain their own advantages at the expense of others, may encroach on such communal lands. This evil practice has existed from the earliest times, and Yajnavalkya lays down that "whoever appropriates what belongs to the community shall be made to forfeit his property and be banished the realm". The limitation that Government may interfere only if such lands are maintained by the Government is therefore undesirable and unncessary and the same has been omitted in sub-section (2) of Section 3 which is only a reproduction of Section 15-A.

Incorporated Devaswoms have all along been treated as Sirkar property. As doubts may rise on account of the separation of these Devaswom lands from Sirkar Ayacut, consequent on

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(8) he can evict the occupant, even though assessment or prohibitory assessment is ;

(9) he can commit an occupant to custody in case of continued obstruction or ıce ;

(10) the Government have the power to frame Rules under the Regulation ;

(11) if officers other than Division Peishkars are empowered to take action under the gulation, the Government have the power to direct that appeals from their decisions shall to the Division Peishkar ; and

(12) there is no second appeal from the Peishkar's decision, the right of the Dewan to vise such proceedings, if necessary, being reserved.

Sir, as this is an important measure, I have set out the main features of the Bill at some length. Sufficient care has been taken not to interfere in the least with the vested rights of others. I may state in conclusion that no considerations of revenue have influenced the Government in any of the proposed amendments, and the Bill is only intended to prevent encroachments upon, or unauthorised occupation of, Government lands and Porambokes and lands used or reserved for public purposes in private estates. With these remarks I beg to move that the principle of the Bill be affirmed."

Seconded by Mr. Mahadeva Aiyar.

Carried.

Mr. Subba Aiyar then moved that the Bill be referred to a Select Committee consisting of the Mover and Messrs. Vieyra, Raman Pillai, Velu Pillai and Parameswara Menon, to report within two months.

The motion was accordingly carried by the Council.

THE CRIMINAL TRIBES BILL.

Mr. Subba Aiyar next introduced the Criminal Tribes Bill, and, in doing so, spoke as follows :—

"Sir,

I beg to introduce the Criminal Tribes Bill. The question may naturally be asked whe- ıer we have any criminal tribes in Travancore and whether there is any necessity for such a 'ece of legislation. No doubt we are fortunate in having no settlements of criminal tribes in 'ravancore. In British India, the Criminal Tribes Act, III of 1911, has been passed, and a strict vorking of the same has a tendency to drive a number of desperate characters into the adjoining ative States. With the rapid opening up of the country and the improved facilities for com- ıunication, the chances of bad characters getting into Travancore are much greater. Seeing ıat the forest area in Travancore is very large, it may be very difficult to find them out, and ven if they are found out, it may be very difficult to do anything with them before offences are mmitted. The Police Commissioner had of late some instances of such gangs getting into ravancore. The present Regulation is therefore drafted on the lines of the British Indian Act, I of 1911. Under the Regulation, any gang or class of persons declared as such will be a criminal tribe". The expression will also include the criminal tribes of British India and of ative States other than Travancore.

The main features of the Bill are :—

(1) that every member of a criminal tribe should give the necessary information to e District Magistrate regarding his name and other descriptions necessary for identification ıd that the same should be entered in a Register ;

(2) that the finger impressions of the members of the tribe should be recorded :

(3) that the members should report themselves at fixed intervals ;

(4) that they should notify their place of residence, as also any change or intended hange of residence and any absence or intended absence from their residence ;

(5) that, if the District Magistrate or the Police Commissioner thinks that any mem- er of a tribe should be restricted in his movements or settled in any place of residence, the same could be done under the orders of Government ;

(6) that industrial, agricultural, or reformatory settlements may be established, and the criminal tribe may be placed therein, and if necessary, schools may be opened for the children of such tribes ; and

(7) that there are penal provisions for disobedience of any Rule made by Government under the Regulation and punishments for other offences.

From the Bill it will appear that it is intended to have a very strict supervision over cri- ıinal tribes if they settle in Travancore. If there is no prospect of the tribes getting a better 'eatment here and if there is a chance of their being run down by the Police here working in ırmony with the British Indian Police or the Police in any other Native State, the chances of tting such tribes into Travancore will be very much minimised. The Bill being mainly in- ıded to prevent ingress of criminal tribes into Travancore, I do not think that there is a elihood of the Bill being contentious. I therefore move that the principle of the Bill be irmed."

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